

**BEFORE THE  
NATURAL RESOURCES COMMISSION  
OF THE  
STATE OF INDIANA**

**IN THE MATTER OF:**

<b>RULE AMENDMENTS RELATING TO THE HUNTING OF DEER</b>	<b>) Administrative Cause ) Number 10-215D ) (LSA Document # 11-101(F))</b>
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**REPORT ON RULE PROCESSING, CONSIDERATION OF PUBLIC COMMENTS,  
ANALYSIS AND RECOMMENDATION REGARDING FINAL ADOPTION**

**1. Rule Processing**

For consideration is a proposal to amend administrative rules relating to hunting deer. The proposal seeks to add a definition of “crossbow” and a definition of “ground blind” at 312 IAC 9-1-5.3 and 312 IAC 9-1-7.6, respectively.

The amendments to 312 IAC 9-3-2 will also establish a crossbow license that would authorize hunting deer with crossbows in the archery season. The establishment of the crossbow license and authorization to hunt with crossbows in archery season resulted in the need to propose contemporaneous amendments to 312 IAC 9-3-3.

A special antlerless deer season will be established by the proposed addition of 312 IAC 9-3-4(h). Related amendments include the specification of license types for use in this new season through the addition of 312 IAC 9-3-2(k) and the need to make contemporaneous technical amendments at 312 IAC 9-3-3(c).

Amendments proposed at 312 IAC 9-3-4 will extend the archery season and the urban deer season. Additional amendments proposed at 312 IAC 9-3-4 will require the taking of one antlerless deer before an antlered deer may be taken in an urban deer zone and will revised the urban deer zones of Lake and Porter Counties.

Under the proposed amendments the firearms season on military reserves and wildlife refuges would be changed from November 1 to October 1.

The proposal also offers amendments at 312 IAC 9-3-2 associated with the new nonresident youth licenses and the deer license bundles established at 312 IAC 9-3-2(bb) and would require the display of hunter orange on occupied ground blinds. Amendments proposed at 312 IAC 9-3-3 will increase the rifle cartridge length and prohibit ground blinds on Department of Natural Resources (Department) properties. Other technical amendments are also proposed.

The Natural Resources Commission (*NRC*) granted preliminary adoption of this rule amendment proposal on January 16, 2011.

The “Notice of Intent” to adopt the proposed rule amendment was posted to the Indiana Register database website as 20110309-IR-312110101NIA on March 9, 2011. The notice identified Linnea Petercheff, Department of Natural Resources Division of Fish and Wildlife (*Department*), as the “small business regulatory coordinator” for purposes of Indiana Code § 4-22-2-28.1.

As specified by Executive Order, fiscal analyses of the rule proposal were submitted, along with a copy of the proposed rule language and a copy of the posted Notice of Intent, to the Office of Management and Budget on March 10, 2011. In a letter dated April 21, 2011, Adam. M. Horst, Director, Office of Management and Budget, recommended that the proposed rule amendments be approved.

The NRC Division of Hearings submitted the rule proposal to the Legislative Services Agency (*LSA*) along with the “Statement Concerning Rules Affecting Small Business” (also known as the “Economic Impact Statement”) on June 1, 2011. The Notice of Public Hearing was submitted to LSA on June 2, 2011. The Notice of Public Hearing, along with the Economic Impact Statement and the text of the proposed rule was posted to the Indiana Register database website on June 15, 2011 as 20110615-IR-312110101PHA. Following receipt of an “Authorization to Proceed” from LSA on June 2, 2011, the NRC Division of Hearings also caused a Notice of Public Hearing to be published by the Indianapolis Newspapers, a newspaper of general circulation in Marion County, Indiana, on June 22, 2011. In addition, notice of the public hearing and a summary of the proposed rule changes were published on the NRC’s web-based electronic calendar.

As required by Ind. Code § 4-22-2.1-5, a copy of the rule proposal and Economic Impact Statement was forwarded to the Indiana Economic Development Corporation (*IEDC*) for review and comment on June 3, 2011. In a letter dated and received on July 15, 2011, Eric Shields, Small Business Ombudsman for IEDC stated, “The IEDC does not object to the economic impact to small businesses associated with the proposed rule.” The IEDC’s comments were posted to the Commission’s Website on July 15, 2011 at <http://www.in.gov/nrc/2348.htm>, and were available for review at the public hearing as required by Ind. Code § 4-22-2.1-6.

## **2. Report of Public Hearing and Comments**

### **a) Public Hearing Comments**

Two public hearings were conducted as scheduled on July 25, 2011 at Spring Mill Inn, Spring Mill State Park, located near Mitchell, Indiana and on July 26, 2011 at the Miami County Fairgrounds Community Building located near Peru, Indiana. Sandra Jensen served as the hearing officer. Department representatives Mark Reiter, Mitch Marcus and Linnea Petercheff were also present as was Lt. Col. Steve Hunter of the Division of Law Enforcement. The public

hearings were well attended. The oral comments received were summarized by the hearing officer and have been attached as Exhibit A and written comments submitted during the public hearings have been identified as Exhibit A1 – A6. All of these exhibits are incorporated by reference.

**b) Comments Received Outside Public Hearing**

The opportunity to submit written public comments was available from approximately January 16, 2011 until August 27, 2011. The written comments have been attached to this report as Exhibit B, which is incorporated by reference.

**c) Response by the Department of Natural Resources**

The Department responded to the public comments on August 17, 2011. A copy of the Department's response is attached as Exhibit C, which is incorporated by reference.

**3. Background Summary of Rule Adoption Processes**

In order for certain public comments to be placed in clear context the hearing officer believes it important to provide a summary of the background associated with this rule amendment proposal.

**a) Historical Background Regarding the Present Rule Proposal**

From January through April, 2009, the Commission received suggestions for substantive rule amendments from the public as a part of the Comprehensive Fish and Wildlife Rules Enhancement Project (*Rules Enhancement Project*). The Natural Resources Advisory Council (*NRAC*) conducted six public hearings to receive additional public input regarding the suggestions and completed the initial evaluation of those suggestions in December 2009. At the NRC's January 12, 2010 meeting, Patrick Early, Chair of the NRAC, offered the "Report of the Natural Resources Advisory Council of Public Hearings and Recommendations as to Suggestions for Substantive Amendments to the Fish and Wildlife Rules" (*NRAC Report*), which was accepted by the Commission.<sup>1</sup>

As relevant to the issue of white-tailed deer the NRAC Report states:

The NRAC submits the following substantive suggestions for additional consideration and action by the NRC.

**A. Suggested substantive amendments recommended for future rule amendment:**

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<sup>1</sup> Natural Resources Commission, Minutes of January 12, 2010 Meeting, Consideration of the Report of the Natural Resources Advisory Council of Public Meetings and Recommendations as to Suggestions for Substantive Amendments to the Fish and Wildlife Rules (312 IAC 9); Administrative Cause No. 08-061D.

2. A requirement to display of hunter orange on occupied ground blinds should be established for any season during which an individual hunter is required to wear hunter orange. The NRAC is bringing this proposal forward because hunting accidents involving ground blinds are on the increase despite a general decrease in hunting related accidents.

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4. It is acknowledged that telecheck, the ability to check in deer and turkeys by telephone, is not possible due to present financial constraints. However, the NRAC recommends that these substantive amendments be made, when the DNR is economically able to develop and implement the necessary technology.

5. A comprehensive deer hunting license that addresses all weapons and all bag limits should be developed. Through a license of this type a multi-season deer hunter could purchase one license at the beginning of the first deer season and be licensed for all seasons without purchasing additional licenses.

6. Allow crossbows to be used during archery seasons by senior hunters age 65 and older.

B. Suggested substantive amendments recommended for additional review by the DNR's Division of Fish & Wildlife as to biology and wildlife management.

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3. The DNR should consider limiting depredations permits to the taking of antlerless deer only.

4. The DNR should conduct a review of all deer hunting seasons and bag limits and consider extensions to seasons or increased bag limits to address deer herd management. The NRAC recommends that this action be taken to address the increasing pressures from insurance companies and farmers upon the Indiana General Assembly.

5. The DNR should consider implementing an earn-a-buck program as a means of addressing increasing deer populations.

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10. The DNR should consider allowing the use of crossbows during firearms season.

Based upon the NRC's and NRAC's recommendations the Department offered for preliminary adoption a package of rule amendments governing the hunting of white-tailed deer on July 20, 2010.<sup>2</sup> (*This package of rule amendments will hereinafter be referred to as "the First Proposal"*). Mark Reiter, Director of the Department's Division of Fish and Wildlife, advised the NRC that previous deer management allowed increases in the deer herd but expressed the need to now focus on "reducing the deer herd to address ecological, recreational and economic needs of the citizens of Indiana"<sup>3</sup> Reiter observed that "the proposed rule changes are not going

<sup>2</sup> Natural Resources Commission, Minutes of July 20, 2010 Meeting, Consideration of preliminary adoption of amendments to 312 IAC 9-1 and 312 IAC 9-3 governing the hunting of white-tailed deer; Administrative Cause No. 10-070D.

<sup>3</sup> Id

to be popular” but explained that the proposal “considers ‘increasing numbers of deer damage complaints, increasing numbers of deer vehicle accidents, and a history of legislative action in response to constituent complaints about deer’” noting that the “proposed rules will strategically target those areas of high populations.”<sup>4</sup> According to Reiter, the portion of the First Proposal that received the greatest comment related to the shortening of the firearms season “to create a ‘sense of urgency to take a deer’, which is intended to cause hunters to take an antlerless deer instead of waiting on only bucks. That same ‘logic’ is also applicable to the shortening of the muzzleloader season...”<sup>5</sup>

As Reiter predicted, the First Proposal was not popular with a segment of the deer hunting public. The receipt of numerous comments prompted the Department to conduct “five open houses around the state in order to provide open discussion” and clarify that the goal of the proposal was to decrease the deer herd population.<sup>6</sup> NRC Chair Bryan Poynter emphasized at the September 21, 2010 NRC Meeting the importance that the hunting community understand that the objective of the rule proposal is the reduction in the deer population. However, Poynter noted that the public comments received were being considered and noted the continuing existence of an opportunity for “further discussion.”<sup>7</sup>

Ultimately the First Proposal was withdrawn by the NRC at the November 16, 2010 meeting<sup>8</sup> and the rule proposal now under consideration was granted preliminary adoption at the NRC’s January 11, 2011 meeting.<sup>9</sup>

As part of the presentation of this proposal for preliminary adoption by the NRC on January 11, 2011, Reiter noted that “The Natural Resources Commission, just a couple of months ago, withdrew [the First] proposal. However, in withdrawing that proposal, Chairman Poynter asked the Division of Fish and Wildlife to formulate a different deer season, bag limit, hunting proposal that retained the traditional 16-day firearm season but still addresses the new deer management objective of targeted deer herd reduction. So that is what our proposal is all made up of today.” Chad Stewart, Deer Research Biologist for the Department reported that the Present Proposal “is based on scientific knowledge” and “does balance the need of working toward our targeted goal and keeping the season in balance with what the hunters’ desire.”

## **B) Receipt and Evaluation of Public Comments**

During the public comment period a number of individuals have questioned the validity of the system utilized by the NRC for the receipt of public comments. The concerns of these

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<sup>4</sup> Id

<sup>5</sup> Id

<sup>6</sup> Natural Resources Commission, Minutes of September 21, 2010 Meeting, Updates on Commission and Committee Activities.

<sup>7</sup> Id

<sup>8</sup> Natural Resources Commission, Minutes of November 16, 2010 Meeting, Discussion of Possible Modification to Amendments Given Preliminary Adoption in July 2010 Meeting to 312 IAC 9-3 Governing the Taking of White-Tailed Deer; Administrative Cause No. 10-070D (LSA Document #10-569)

<sup>9</sup> Natural Resources Commission, Minutes of January 11, 2011 Meeting, Consideration for Preliminary Adoption of Amendments to 312 IAC 9 Governing the Hunting of White-Tailed Deer; Administrative Cause No. 10-215D

individuals appear to have been precipitated by a statement entitled “2010 Season Structure and Equipment Use Questionnaire Results” that was issued by the Department on May 14, 2010 relating to the results of an online questionnaire that was made available to receive comments regarding suggestions and recommendations of a stakeholder group that was formed to assist with the rule amendments that have resulted in this Proposal. Within that statement, the Department noted that it was possible for a single individual to submit multiple responses to the questionnaire. (*See Exhibit A2*).

The communication from the Department, coupled with the indication from hunting chat pages such as “Hunting Indiana” that individuals were submitting multiple comments to the NRC following preliminary adoption of this Proposal, (*See Exhibit A4*) has lead these individuals to conclude that the feedback received by the NRC relating to both the First Proposal and this Proposal is “full of deception” and as a result caused these members of the public to question whether either of the rule proposals were supported by “a majority” of the commenting public.

The NRC has attempted to develop a public comment process that requires individuals to identify themselves by providing a name and residency information. (*Please refer to Information Bulletin # 55, accessible at <http://www.in.gov/legislative/iac/20100804-IR-312100484NRA.xml.pdf>*). Under this process an individual may continue to submit multiple comments but the fact that the comments originate from the same source should be transparent. However, the Commission is aware that these requirements are not going to deter an individual who is willing to falsify their identity regardless of whether the comment is received by U.S. Postal Service or through the NRC’s online form.

The individuals who have raised these concerns appear to support the use of some mechanism to prevent the submission of multiple comments from a single computer. This type of limitation fails to consider that multi-member households frequently share a single computer and untold numbers of individuals submit comments from computers at public libraries. By establishing a one comment per computer limit the Commission would likely prevent vast numbers of individuals from having any opportunity to offer a comment.

The importance of this type of limitation would be greater if the comments received by the NRC were tabulated to reflect support for or opposition to a proposal through only raw numbers or pure statistics. However, the Commission’s use of public comments places a greater emphasis on the content of the comments. While the overall public support or opposition to a rule proposal is important from a policy-making standpoint, it is the content of the public comments that often proves to be quite beneficial in identifying legitimate revisions that are necessary for a proposed rule to properly serve its intended purpose.

A perfect example of the NRC’s consideration of the content of public comments over the determination of merely numerical or statistical support is reflected in the discussion of the Department’s recommendation to revise the definition of “ground blind”, below.

#### 4. ANALYSIS AND RECOMMENDATION

The Department brought forward proposals for amendment to the administrative rules governing the hunting of deer following recommendations from the NRAC and NRC that were synthesized from the substantive suggestions received from the public as a part of the Rules Enhancement Project. The recommendations included reducing the deer populations, allowing crossbows during the firearms season and for hunters over age 65 in the archery season, adding a requirement to display hunter orange on occupied ground binds, establishing a comprehensive hunting license, conducting a complete review of the deer hunting seasons, increasing bag limits, extending seasons as necessary to enhance the harvest of deer and considering an “earn-a-buck” program<sup>10</sup>. With the exception of the recommendation that depredation permits be restricted to allow only the taking of antlerless deer, this proposal addresses the recommendations of the NRAC and the NRC.

This proposal does not impose the “earn-a-buck” program upon all hunters in all seasons but does establish this program for the urban deer season. This program requires a hunter to take an antlerless deer before an antlered deer may be harvested. Individuals who offered public comments observe that deer overpopulation is, in part, caused by a lack of access to property and that deer populations on public lands or where deer hunting is routinely allowed, are not excessive. Urban deer zones are identified by the Department to increase deer harvests in urbanized areas with the expectation that deer/human conflicts will be reduced. The comments reflect and the Department has concurred that there is a need for hunters to take more antlerless deer in order to effectively reduce deer populations. The implementation of the requirement to first take an antlerless deer in urban deer zones is, according to many who commented, the most significant deer herd reduction measure included in this proposal.

The addition of the crossbow as equipment for use during the archery season has met with a wide breadth of reaction. As might be expected, crossbow hunters applaud the proposal to authorize the use of crossbow during the entire archery season. Crossbow hunters observe that many other states allow the use of crossbows in archery seasons and highlight the fact that many archery organizations recognize the crossbow as archery equipment. Many of these comments reflect that mastery of the crossbow is equally challenging to mastery of traditional archery.

To the contrary, a number of individuals who appear to be mostly traditional archery hunters believe that allowing the use of crossbows during the archery season is inappropriate due to extreme differences between vertical archery equipment and crossbows. They note that the effective shooting range and speeds associated with crossbows is much greater. Furthermore, certain comments offer that while traditional archery equipment has reached its peak in terms of shooting speeds and effective ranges, the crossbow is continuing to experience improvements in these areas. These comments also reflect upon the fact that crossbows are shot from the hunter’s shoulder using a trigger whereas a hunter using vertical archery equipment is allowed only to

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<sup>10</sup> It is acknowledged that the NRAC and NRC have also recommended that the Department should pursue the implementation of a “telecheck” system when such would be financially feasible. The establishment of such a system is not included in the Present Proposal but the public comments continue to reflect a desire on the part of hunters to have this system instituted when practical.

draw, hold and release the bow by hand or hand-held release. Of the individuals who oppose the use of crossbows during the archery season, several observe that the use of crossbows would be more appropriate in the firearms season.

A few hunters with disabilities who presently hunt with crossbows expressed that the addition of the crossbow as authorized equipment in the archery season would result in a cost savings to them because they would no longer be required to obtain physician certification of their disability in order to obtain a special disability permit. Other hunters applauded the addition of the crossbow to the archery season because they are presently unable to continue hunting with traditional archery equipment but are unwilling to accept the “stigma” of being labeled disabled in order to hunt with a crossbow.

Advocates of crossbow hunting also reflect that the addition of the crossbow to the archery season will not only have the effect of immediately increasing the number of hunters in the field, but will have the long-term effect of retaining older hunters while aiding in the recruitment of younger hunters. By maintaining existing hunters and recruiting new hunters, these individuals state their belief that the taking of deer will increase immediately and will be sustained over time. Conversely, however, opponents of the crossbow opine that crossbows are easier to shoot and master, or at minimum this is the perception, and as a result they believe that in the long-term, traditional archery equipment will be further undermined by the incorporation of crossbows into deer hunting. Legitimately, both perspectives likely have credibility.

Furthermore, archery hunters have offered general comments that this proposal favors firearm hunters to the detriment of archery hunters. These comments are not only related to the proposed authorization of crossbows in archery season but are also related to the season extensions that are proposed. They note that the ability to hunt with firearms on military reserves and wildlife refuges will effectively eliminate the opportunity to hunt with archery on or in the vicinity of these properties because the deer will be panicked from the hunting with firearms. Archers add that the ability to hunt with firearms during the final eight days of archery season effectively eliminates archery hunting opportunities at that time and the additional week of archery season between firearms and muzzleloader season is likewise a “waste” for the same reasons. Certain archers express the opinion that this proposal provides a wealth of added opportunity for gun hunters at the expense of archery hunting opportunities.

It was noted in a variety of comments that the special antlerless deer season that will occur in December and January will have little impact upon deer populations. These individuals state and the Department reflected<sup>11</sup> that many hunters have stated that they will not hunt in the typical inclement weather of December and January for antlerless deer. While there were a few individuals who commented that they most enjoy hunting in the coldest months of December and January, they were certainly the minority.

This proposal establishes a requirement for hunters to display hunter orange on occupied ground blinds. The Department, in its response, notes that the use of blinds is increasing in popularity

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<sup>11</sup> Natural Resources Commission, Minutes of September 21, 2010 Meeting, Updates on Commission and Committee Activities.



and this requirement is “critical in providing for the safety of individual(s) inside the ground blind.” The Department’s opinion is consistent with the NRAC’s conclusion that despite a general decrease in deer hunting accidents the number of accidents involving ground blinds is actually on the increase. Some of the individuals who commented observed that the lack of hunter orange display easily identifies the ground blind as unoccupied and therefore makes it a target for theft and overall the public sentiment regarding the display of hunter orange on ground blinds is mixed. Understandably, no hunter desires to increase the potential for equipment thefts or to potentially undermine the concealing qualities of a ground blind by a large solid-color display; however, in this instance, hunter safety must be the priority.

A corollary part of establishing the hunter orange requirement for ground blinds is the creation of a definition of “ground blind” at 312 IAC 9-1-7.6. The definition as proposed states:

“Ground blind” means a manufactured product that is used to completely conceal a hunter so that the hunter orange worn by the individual is not visible.

During the public comment period, written comments were received from the public questioning whether the requirement to place hunter orange on a ground blind was applicable to only *commercially* “manufactured products” or also to blinds constructed by hunters or other individuals.<sup>12</sup> Similar inquiries were received with respect to whether the requirement applied to only those blinds located directly on the ground or also to those slightly above the ground but still in the trajectory of a projectile shot at a deer. Based upon these written comments the Department has recommended that a revision be made to the definition of “ground blind”. The Department’s proposed revision would change the definition to the following:

“Ground blind” means a commercially manufactured product, or a product assembled by an individual, that includes manmade or synthetic materials that results in concealing a hunter so that the hunter orange worn by the individual may not be visible and is located on or within 4 feet of the ground.”

The hearing officer concurs with the Department’s recommendation to revise the definition of “ground blind”. However, for stylistic reasons the hearing officer, in consultation with Department staff, offers the following revision to the definition of “ground blind.”

“Ground blind” means a structure or visual screen of any type that is located on or within four (4) feet of the ground that includes manmade or synthetic materials and results in concealing a hunter so that the hunter orange worn by the hunter may not be visible from one or more directions.”

This revision is reflected in the rule language attached as Exhibit D, which is incorporated by reference.

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<sup>12</sup> See written comments of Andy Cordonnier, January 14, 2011, Exhibit B, pg. 43 (*Exhibit B posted online, pg. 32*) and Russell A. Mann, July 7, 2011, Exhibit B, pg. 234 (*Exhibit B posted online, pg. 181*).

A great deal of the public comment received espouses the position that deer licenses are too expensive in general. That opinion is amplified by the fact that hunters are now being asked to use those purchased licenses to take increased numbers of antlerless deer and under this rule proposal, hunters will now be forced to take an antlerless deer before being authorized to take an antlered deer during the urban deer season. As recommended by the NRAC and the NRC, this proposal creates a "deer license bundle" to allow a hunter to purchase one license authorizing the taking of one antlered and two antlerless deer during a combination of the special youth, archery, firearms, muzzleloader and special antlerless only seasons. The public comments reflect support for this proposed amendment expressing hope that the result will be more affordable deer hunting opportunities. In its response, the Department states that in early 2012 the NRC will be presented a proposal for the license bundle, which will "provide multiple deer licenses that are purchased at the same time at a discounted price."

By all appearances there are multiple methods of achieving the desired goal of deer population reduction. As with any new administrative rules, there are individuals in favor and there are individuals opposed. The public comments reveal a mixed sentiment with respect to which of the two proposals will effectively serve the goal of reducing deer herds. However, in reading the comments it becomes clear that the sentiments stated reflect significantly upon the individual interests of the individual offering the comment.

A few comments recognized that the events surrounding the amendment of the deer hunting rules has had a polarizing effect between individual deer hunters, deer hunting groups and between the hunters and the Department and Commission, which they note as being unfortunate and disappointing. These comments frequently note that instead hunters need to work together and with the Department, the NRC and with deer processors and farmers to improve access to hunting ground and to enhance the Hunters and Farmers Feeding the Hungry Program.

This proposal is appropriate for final adoption. Offered is a variety of amendments generally consistent with the NRAC's and NRC's recommendations that resulted from the Rules Enhancement Project. As evidenced by the Department's stated belief that either the First Proposal or this proposal will achieve deer population reductions, the means of accomplishing that goal are generally matters of public policy most appropriately determined by the Commission.

Dated: September 8, 2011

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Sandra L. Jensen  
Hearing Officer

**EXHIBIT C**

**DNR Response**

**License Bundle**

The DNR will be presenting a proposal for the license bundle to the NRC for consideration early next year. This bundle will provide multiple deer licenses that are purchased at the same time at a discounted price.

**Ground Blinds and Hunter Orange**

The addition of the hunter orange requirement for ground blinds that are occupied during a season when hunter orange is required for a deer hunter is critical in providing for the safety of the individual(s) inside the ground blind. Ground blinds are increasing in popularity, and if a hunter who is wearing hunter orange is completely enclosed in a ground blind, other hunters may not even see the hunter or know the ground blind is there, creating a dangerous situation for the individual(s) in the ground blind. This requirement is needed to provide for their safety. The requirement of 144 square inches of hunter orange on each side that is visible from any direction could include a 12"x12" square piece of solid hunter orange material or even a hunter orange vest that has at least 144 square inches of solid hunter orange. The states of Wisconsin and Iowa already have this same requirement for ground blinds; Illinois requires at least 400 square inches at the top of the blind when used on public hunting areas. Maryland requires 250 square inches of hunter orange to be displayed within 25 feet of the ground blind's location, and Louisiana requires 400 square inches that is visible from all directions. Military areas also have similar requirements for hunter orange on ground blinds.

The DNR received comments stating the ground blind definition was confusing; comments questioned whether hunter orange would be required for deer hunting blinds set above the ground at various heights and whether blinds assembled by the hunter were considered manufactured. As a result of these comments and questions, the agency proposes to modify the definition of ground blind as follows: Sec. 2.7.6 "Ground blind" means a commercially manufactured product, or a product assembled by an individual, that includes manmade and/or synthetic materials that results in concealing a hunter so that the hunter orange worn by the individual may not be visible and is located on or within 4 feet of the ground. This revision to the definition of ground blind addresses deer hunting blinds that are constructed by an individual and addresses the questions related to deer hunting blinds set above the ground.

**Rifle cartridges**

The extension of the length of the rifle cartridge that can be used during the deer firearms season (312 IAC 9-3-3(d)) will allow the .460 Smith & Wesson to be used. This .460 Smith & Wesson pistol cartridge was recently chambered in a rifle and would still be considered a short to medium range rifle cartridge. By increasing the cartridge length, the .50-70 Government, the .450 Bushmaster, and the .50 Beowulf would also be legal to use.

**Urban Deer Zones**

The proposed extension of the urban deer season through January 31 and expansion of urban deer zones in Lake and Porter counties in 312 IAC 9-3-4(d) will provide additional hunting opportunities over a longer timeframe and will likely increase the number of deer taken in these urban areas. When the Division of Fish and Wildlife designates an area as an "urban deer zone", its purpose is to draw attention to the need for increased deer harvest in that area. The designation only addresses the harvest of deer, and allows deer hunters to harvest more deer (more than what normal statewide bag limits allow) in an urban deer zone during the Urban Deer Zone Season. Those hunters are restricted to using only archery equipment during that season must have landowner permission and such activities must be in compliance with local ordinances. Taking more deer in these areas is expected to help reduce deer/human conflicts.

**Military Areas and other federal properties**

The DNR has been asked by property managers of federal properties, such as Camp Atterbury Joint Maneuver Training Center and Big Oaks National Wildlife Refuge, to be able to allow deer hunting with a firearm on their properties prior to November 1. These property managers, among others, need the maximum flexibility to manage recreational opportunities and/or mission-critical activities, such as military training. Therefore, the DNR believes that these federal properties should have the ability to have a firearms season or youth hunting season (that includes firearms) prior to the current starting date of November 1 to more effectively manage the deer population on their properties.

**EXHIBIT D**

**TITLE 312 NATURAL RESOURCES COMMISSION**

**Final Rule**  
LSA Document #11-101(F)

**DIGEST**

Adds 312 IAC 9-1-5.3 to define "crossbow". Adds 312 IAC 9-1-7.6 to define "ground blind". Amends 312 IAC 9-3-2 governing general requirements and licenses for hunting deer to include the new nonresident youth deer license, crossbow license, and deer license bundle and specify hunter orange requirements for ground blinds. Amends 312 IAC 9-3-3 governing the use of crossbows, rifles, and blinds used while deer hunting. Amends 312 IAC 9-3-4 governing the season dates and bag limits for the special youth deer season, archery season, and special antlerless only season and amends the urban deer zones in Lake and Porter counties. Amends 312 IAC 9-3-8 by opening the firearms season on October 1 on military reserves and national wildlife refuges and adds the new nonresident youth deer licenses. Effective 30 days after filing with the Publisher.

**312 IAC 9-1-5.3; 312 IAC 9-1-7.6; 312 IAC 9-3-2; 312 IAC 9-3-3; 312 IAC 9-3-4; 312 IAC 9-3-8**

SECTION 1. 312 IAC 9-1-5.3 IS ADDED TO READ AS FOLLOWS:

**312 IAC 9-1-5.3 "Crossbow" defined**

**Authority:** IC 14-10-2-4; IC 14-22-2-6

**Affected:** IC 14-22

**Sec. 5.3. "Crossbow" means a device for propelling an arrow by means of traverse limbs mounted on a stock and a string and having a working safety that may be drawn, held, and released by a mechanical device and has the following:**

**(1) At least one hundred twenty-five (125) pounds pull.**

**(2) A mechanical safety.**

*(Natural Resources Commission; 312 IAC 9-1-5.3)*

SECTION 2. 312 IAC 9-1-7.6 IS ADDED TO READ AS FOLLOWS:

**312 IAC 9-1-7.6 "Ground blind" defined**

**Authority:** IC 14-10-2-4; IC 14-22-2-6

**Affected:** IC 14-22

**Sec. 7.6. "Ground blind" means a structure or visual screen of any type that is located on or within four (4) feet of the ground that includes manmade or synthetic materials and results in concealing a hunter so that the hunter orange worn by the hunter may not be visible from one or more directions."**

*(Natural Resources Commission; 312 IAC 9-1-7.6)*

SECTION 3. 312 IAC 9-3-2 IS AMENDED TO READ AS FOLLOWS:

**312 IAC 9-3-2 General requirements and licenses for hunting deer**

**Authority:** IC 14-10-2-4; IC 14-22-2-6

**Affected:** IC 14-22; IC 35-47-2

**Sec. 2. (a) This section and sections 3 through 10 of this rule govern the:**

**(1) hunting;**

**(2) transportation; and**

**(3) disposal;**

**of deer.**

**(b) Species of deer other than white-tailed deer (*Odocoileus virginianus*) are exempted from the following:**

- (1) This section.
- (2) Sections 3 through 9 of this rule.

An individual who claims the exemption provided under this subsection must prove the deer is other than a white-tailed deer.

(c) The licenses identified in this section are nonexclusive. An individual may apply for one (1) or more of these licenses.

(d) Except as provided under IC 14-22-11-1 and IC 14-22-11-11, an individual must not hunt deer:

- (1) unless the individual possesses a completed and signed license authorized under this section bearing the individual's name; or
- (2) with a deer license issued to another individual.

(e) A youth hunter may take a deer during the youth deer season established in section 4(b) of this rule only if:

- (1) issued a license to hunt deer with:
  - (A) a resident youth consolidated hunting license under IC 14-22-11-10(b) or IC 14-22-12-1(a)(24);
  - (B) a nonresident youth deer firearms license under IC 14-22-12-1(a)(29);**
  - (C) a nonresident youth deer muzzleloader license under IC 14-22-12-1(a)(30);**
  - (D) a nonresident youth deer archery license under IC 14-22-12-1(a)(31);**
  - (E) a nonresident youth extra deer crossbow license under IC 14-22-12-1(a)(32);**
  - (F) a nonresident youth extra deer license bundle under IC 14-22-12-1(a)(32);**
  - ~~(B)~~ **(G) a lifetime comprehensive hunting license under IC 14-22-12-7(a)(4);**
  - ~~(C)~~ **(H) a lifetime comprehensive hunting and fishing license under IC 14-22-12-7(a)(5); or**
  - ~~(D)~~ **(I) an apprentice resident youth consolidated hunting license of the types identified in clauses (A) through (F) under IC 14-22-12-1.7; or**
- (2) hunting deer without a license under IC 14-22-11-1 and 312 IAC 9-2-14.

(f) An individual may take a deer with a **long bow, and arrow a recurve bow, or a compound bow** during the archery season established in section 4(e) **4(c)** of this rule only if:

- (1) issued a license to hunt deer by bow and arrows with:
  - (A) a resident deer archery license under IC 14-22-11-10(a) or IC 14-22-12-1(a)(14);
  - (B) a nonresident deer archery license under IC 14-22-12-1(a)(17);
  - (C) a **resident youth consolidated hunting license under IC 14-22-11-10(b) or IC 14-22-12-1(a)(24);**
  - (D) a nonresident youth deer archery license under IC 14-22-12-1(a)(31);**
  - (E) a resident extra deer license bundle under IC 14-22-12-1(a)(18);**
  - (F) a nonresident extra deer license bundle under IC 14-22-12-1(a)(19);**
  - (G) a nonresident youth extra deer license bundle under IC 14-22-12-1(a)(32);**
  - ~~(D)~~ **(H) a lifetime comprehensive hunting license under IC 14-22-12-7(a)(4);**
  - ~~(E)~~ **(I) a lifetime comprehensive hunting and fishing license under IC 14-22-12-7(a)(5); or**
  - ~~(F)~~ **(J) an apprentice license of the types identified in clauses (A) through (C) (G) under IC 14-22-12-1.7; or**
- (2) hunting without a license under IC 14-22-11-1 and 312 IAC 9-2-14.

(g) An individual may take a deer with a crossbow during the archery season established in section 4(c) of this rule only if:

- (1) issued a license to hunt deer with:
  - (A) a resident extra deer crossbow license under IC 14-22-11-10(a) or IC 14-22-12-1(a)(14);**
  - (B) a nonresident extra deer crossbow license under IC 14-22-12-1(a)(17);**
  - (C) a resident youth consolidated hunting license under IC 14-22-11-10(b) or IC 14-22-12-1(a)(24);**
  - (D) a nonresident youth extra deer crossbow license under IC 14-22-12-1(a)(31);**
  - (E) a resident extra deer license bundle under IC 14-22-12-1(a)(18);**
  - (F) a nonresident extra deer license bundle under IC 14-22-12-1(a)(19);**
  - (G) a nonresident youth extra deer license bundle under IC 14-22-12-1(a)(32);**
  - (H) a lifetime comprehensive hunting license under IC 14-22-12-7(a)(4);**
  - (I) a lifetime comprehensive hunting and fishing license under IC 14-22-12-7(a)(5); or**
  - (J) an apprentice license of the types identified in clauses (A) through (G) under IC 14-22-12-1.7; or**
- (2) hunting without a license under IC 14-22-11-1 and 312 IAC 9-2-14.

~~(g)~~ **(h)** An individual may take a deer with a firearm during the firearms season established in section 4(h) **4(e)** of this rule

only if:

- (1) issued a license to hunt deer by firearms with:
  - (A) a resident deer firearms license under IC 14-22-11-10(a) or IC 14-22-12-1(a)(12);
  - (B) a nonresident deer firearms license under IC 14-22-12-1(a)(15);
  - (C) a resident youth consolidated hunting license under IC 14-22-11-10(b) or IC 14-22-12-1(a)(24);
  - (D) a nonresident youth deer firearms license under IC 14-22-12-1(a)(29);**
  - (E) a resident extra deer license bundle under IC 14-22-12-1(a)(18);**
  - (F) a nonresident extra deer license bundle under IC 14-22-12-1(a)(19);**
  - (G) a nonresident youth extra deer license bundle under IC 14-22-12-1(a)(32);**
  - ~~(H)~~ (H) a lifetime comprehensive hunting license under IC 14-22-12-7(a)(4);
  - ~~(I)~~ (I) a lifetime comprehensive hunting and fishing license under IC 14-22-12-7(a)(5); or
  - ~~(J)~~ (J) an apprentice license of the types identified in clauses (A) through ~~(C)~~ (G) under ~~IC 14-22-12-1; IC 14-22-12-1.7;~~ or
- (2) hunting deer without a license under IC 14-22-11-1 and 312 IAC 9-2-14.

~~(h)~~ **(i)** An individual may take a deer with a muzzleloader during the muzzleloader season established in section 4(i) **4(f)** of this rule only if:

- (1) issued a license to hunt deer by a muzzleloader with:
  - (A) a resident deer muzzleloader license under IC 14-22-11-10(a) or IC 14-22-12-1(a)(13);
  - (B) a nonresident deer muzzleloader license under IC 14-22-12-1(a)(16);
  - (C) a resident youth consolidated hunting license under IC 14-22-11-10(b) or IC 14-22-12-1(a)(24);
  - (D) a nonresident youth deer muzzleloader license under IC 14-22-12-1(a)(30);**
  - (E) a resident extra deer license bundle under IC 14-22-12-1(a)(18);**
  - (F) a nonresident extra deer license bundle under IC 14-22-12-1(a)(19);**
  - (G) a nonresident youth extra deer license bundle under IC 14-22-12-1(a)(32);**
  - ~~(H)~~ (H) a lifetime comprehensive hunting license under IC 14-22-12-7(a)(4);
  - ~~(I)~~ (I) a lifetime comprehensive hunting and fishing license under IC 14-22-12-7(a)(5); or
  - ~~(J)~~ (J) an apprentice license of the types identified in clauses (A) through ~~(C)~~ (G) under ~~IC 14-22-12-1; IC 14-22-12-1.7;~~ or
- (2) hunting deer without a license under IC 14-22-11-1 and 312 IAC 9-2-14.

~~(i)~~ **(j)** An individual may take a deer during the urban deer season established in section 4(f) **4(d)** of this rule only if:

- (1) issued a license to hunt deer with:
  - ~~(A)~~ (A) a resident deer archery license under IC 14-22-11-10(a) or IC 14-22-12-1(a)(14);
  - ~~(B)~~ (B) a nonresident deer archery license under IC 14-22-12-1(a)(17);
  - ~~(C)~~ **(A)** a resident extra **urban** deer zone license under IC 14-22-12-1(a)(18);
  - ~~(D)~~ **(B)** a nonresident extra **urban** deer zone license under IC 14-22-12-1(a)(19);
  - ~~(E)~~ (C) a resident youth consolidated hunting license under IC 14-22-11-10(b) or IC 14-22-12-1(a)(24);
  - ~~(F)~~ **(D)** a nonresident youth extra urban deer zone license under IC 14-22-12-1(a)(32);
  - ~~(G)~~ (E) an apprentice license of the types identified in clauses (A) through ~~(B)~~ (G) under ~~IC 14-22-12-1; IC 14-22-12-1.7;~~
  - ~~(H)~~ **(F)** a lifetime comprehensive hunting license under IC 14-22-12-7(a)(4); or
  - ~~(I)~~ **(G)** a lifetime comprehensive hunting and fishing license under IC 14-22-12-7(a)(5); or
- (2) hunting deer without a license under IC 14-22-11-1 and 312 IAC 9-2-14.

**(k)** An individual may take a deer during the special antlerless deer season established in section 4(h) of this rule only if:

- (1) issued a license to hunt deer with:
  - (A) a resident extra deer bonus antlerless license under IC 14-22-12-1(a)(18);**
  - (B) a nonresident extra deer bonus antlerless license under IC 14-22-12-1(a)(19);**
  - (C) a resident youth consolidated hunting license under IC 14-22-11-10(b) or IC 14-22-12-1(a)(24);**
  - (D) a nonresident youth extra deer bonus antlerless license under IC 14-22-12-1(a)(32);**
  - (E) a resident extra deer license bundle under IC 14-22-12-1(a)(18);**
  - (F) a nonresident extra deer license bundle under IC 14-22-12-1(a)(19);**
  - (G) a nonresident youth extra deer license bundle under IC 14-22-12-1(a)(32);**
  - (H) an apprentice license of the types identified in clauses (A) through (G) under IC 14-22-12-1.7;**

- (I) a lifetime comprehensive hunting license under IC 14-22-12-7(a)(4); or
- (J) a lifetime comprehensive hunting and fishing license under IC 14-22-12-7(a)(5); or
- (2) hunting deer without a license under IC 14-22-11-1 and 312 IAC 9-2-14.

(j) (I) An individual may take an antlerless deer in a designated county, by authority of an extra deer bonus antlerless license, only as authorized under section 4(j) 4(g) and 4(h) of this rule.

(k) (m) An individual must, immediately upon taking a deer, attach record on a piece of paper to the deer that states the following:

- (1) The name and address of the individual who took the deer.
- (2) The license number (if applicable) of the individual who took the deer.
- (3) The sex of the deer.
- (4) The month and day the deer was taken.

A The individual that takes the deer must be tagged with retain possession of the completed piece of paper until the paper is attached to the deer. The piece of paper before leaving must be attached to the field. A deer that is in the field is not required to be tagged if the individual who takes the deer maintains immediate custody does not maintain direct physical control of and constant visual contact with the deer carcass.

(h) (n) An individual who takes a deer must cause delivery of the deer carcass to an official checking station for registration in the name of the individual who took the deer on the occurrence of the earlier of the following:

- (1) Within forty-eight (48) hours of the taking of the deer.
- (2) Before the deer is removed from this state.

The individual who delivers the deer carcass to an official checking station for registration must provide true and accurate information for the check station logs, including the name and license number of the individual who took the deer and the date the deer was taken.

(m) (o) The head of a deer must remain attached to the carcass until the tag is attached and locked at the deer checking station.

(n) (p) After the checking station operator records the permanent seal number on the log and collects the piece of paper described in subsection (k), the operator shall give the seal to the individual. The individual must immediately affix the seal:

- (1) between a tendon and bone;
- (2) through a section of skin or flesh; or
- (3) around a branched antler;

to prevent its removal (without cutting the seal or the body part to which it is affixed). The seal must be maintained until processing of the deer begins.

(o) (q) The checking station operator must do the following:

- (1) Accurately and legibly complete all forms provided by the department.
- (2) Make those forms available to department personnel upon request.

(p) (r) An individual must not hunt deer except from one-half (1/2) hour before sunrise to one-half (1/2) hour after sunset.

(q) (s) An individual must not hunt deer unless that individual wears wear hunter orange: However, this subsection does not apply:

- (1) before the commencement of the firearms in a season set forth in section 4(b), 4(e), 4(f), and 4(h) of this rule; and
- (2) after the muzzleloading gun in that portion of the archery season set forth in section 4(f) 4(c) of this rule that overlaps a season set forth in section 4(e), 4(f), and 4(h) of this rule; and
- (3) when firearms are authorized under section 8(b) of this rule.

(t) A ground blind that is:

(1) Occupied must contain a minimum of one hundred forty-four (144) square inches of material on each side that is solid hunter orange and is visible from any direction during:

- (A) a season set forth in section 4(b), 4(e), 4(f), and 4(h) of this rule; and
- (B) that portion of the archery season set forth in section 4(c) of this rule that overlaps a season set forth in section 4(e), 4(f), and 4(h) of this rule.

**(2) Left unoccupied on department property must visibly bear the name and address of the owner written in the English language in a conspicuous location on the outside of the blind near the entrance.**

~~(t)~~ **(u)** Before September 1, 2012, an individual must not take more than one (1) antlered deer during the seasons for an annual deer license.

~~(s)~~ **(v)** An individual must not hunt deer with the use or aid of:

(1) bait, which includes:

(A) a food that is transported and placed for consumption, including, but not limited to, piles of corn and apples placed in the field;

(B) a prepared solid or liquid that is manufactured and intended for consumption by livestock or wild deer, including, but not limited to, commercial baits and food supplements;

(C) salt; or

(D) mineral supplements;

(2) snares;

(3) dogs; or

(4) other domesticated animals.

The use of manufactured scents and lures or similar chemical or natural attractants is not prohibited.

~~(t)~~ **(w)** An area is considered baited for ten (10) days after the removal of the bait ~~or~~ and the baited soil. Hunting an area, such as an orchard, which may be attractive to deer as the result of normal agricultural activity, is not prohibited.

~~(u)~~ **(x)** Notwithstanding subsection (s), an individual may use dogs only while on a leash to track or trail wounded deer.

~~(v)~~ **(y)** Notwithstanding subsection (s), an individual may use:

(1) donkeys;

(2) mules; and

(3) horses;

for transportation to and from a hunt but not while hunting.

~~(w)~~ **(z)** An individual must not hunt white-tailed deer possessed under the authority of a game breeder license under 312 IAC 9-10-4.

~~(x)~~ **(aa)** An individual may possess a handgun in accordance with IC 35-47 while hunting deer if the individual:

(1) has a valid unlimited license to carry a handgun issued under IC 35-47-2-3;

(2) has a valid unlimited license to carry a handgun recognized under IC 35-47-2-21(b); or

(3) is not required to possess a license to carry a handgun under IC 35-47-2-2.

**(bb) "Deer license bundle" means a multiple privilege deer license that allows an individual to take one (1) antlered deer and two (2) antlerless deer in the:**

**(1) special youth;**

**(2) archery;**

**(3) firearms;**

**(4) muzzleloader; and**

**(5) special antlerless only;**

**seasons combined in one (1) year in accordance with the provisions in this section and sections 3 and 4 of this rule. (Natural Resources Commission; 312 IAC 9-3-2; filed May 12, 1997, 10:00 a.m.: 20 IR 2702; filed Dec 26, 2001, 2:40 p.m.: 25 IR 1528; readopted filed Jul 28, 2003, 12:00 p.m.: 27 IR 286; filed Sep 23, 2004, 3:00 p.m.: 28 IR 536; filed May 12, 2006, 10:38 a.m.: 29 IR 3344; filed Jun 23, 2006, 2:24 p.m.: 20060719-IR-312050214FRA; errata filed Jul 21, 2006, 1:56 p.m.: 20060802-IR-312050214ACA; filed Jul 10, 2007, 2:09 p.m.: 20070808-IR-312060572FRA; readopted filed Nov 24, 2008, 11:08 a.m.: 20081210-IR-312080672RFA; filed Nov 3, 2009, 3:34 p.m.: 20091202-IR-312090044FRA)**

SECTION 4. 312 IAC 9-3-3 IS AMENDED TO READ AS FOLLOWS:

**312 IAC 9-3-3 Equipment for deer hunting**

**Authority: IC 14-10-2-4; IC 14-22-2-6**



**Affected: IC 14-22; IC 35-47-2**

Sec. 3. (a) During the youth special deer season established in section 4(b) of this rule, a youth hunter must hunt deer only with the following equipment:

- (1) A bow and arrow as described in subsection (b)(1) through (b)(5).
- (2) A crossbow as described defined in subsection (b)(6) and (b)(7). **312 IAC 9-1-5.3.**
- (3) A shotgun as described in subsection (d)(1).
- (4) A muzzleloading long gun as described in subsection (d)(3).
- (5) A rifle, with the use of cartridges described in subsection (d)(4).

(b) During the archery season established in section 4(c) of this rule, an individual must hunt deer only with the following equipment:

- (1) A long bow or compound bow that has at least thirty-five (35) pounds pull **with a valid license identified at section 2(f) of this rule.**
- (2) **A crossbow with a valid license identified at section 2(g) of this rule.**
- (2) (3) Arrows that are or bolts must be equipped with metal or metal-edged (or flint, chert, or obsidian napped) broadheads.
- (3) (4) Poisoned or explosive arrows or bolts are unlawful.
- (4) (5) **For long bows, recurve bows, and compound bows:**
  - (A) bows drawn, held, or released other than by hand or hand-held releases are unlawful; and
  - (5) (B) no portion of the bow's riser (handle) or any:
    - (A) (i) track;
    - (B) (ii) trough;
    - (C) (iii) channel;
    - (D) (iv) arrow rest; or
    - (E) (v) other device;
 that attaches to the bow's riser shall contact, support, or guide the arrow from a point rearward of the bow's brace height.
- (6) In addition to the equipment described in subdivisions (1) through (5), during the late archery season established in section 4(e)(2) of this rule, an individual may use a crossbow that has either of the following:
  - (A) At least one hundred twenty-five (125) pounds pull.
  - (B) A mechanical safety.
- (7) As used in this section, "crossbow" means a device for propelling an arrow by means of traverse limbs mounted on a stock and a string and having a working safety. The crossbow may be drawn, held, and released by a mechanical device.

(c) During the firearms season established in section 4(e) of this rule **and the special antlerless season established in section 4(h) of this rule**, an individual must hunt deer only with any of the following equipment:

- (1) A shotgun.
- (2) A shotgun with rifled barrel.
- (3) A handgun.
- (4) A muzzleloading long gun.
- (5) A muzzleloading handgun.
- (6) A rifle, with the use of cartridges described in subsection (d)(4) only.
- (7) A bow and arrows described in subsection (b)(1) through (b)(5).

(d) As used in section 2 of this rule, this section, and sections 4 through 8 of this rule, a firearm must meet the following specifications:

- (1) A shotgun must have a gauge 10, 12, 16, 20, or .410 bore loaded with a single projectile.
- (2) A handgun must:
  - (A) conform to the requirements of IC 35-47-2;
  - (B) have a barrel at least four (4) inches long;
  - (C) fire a bullet of two hundred forty-three thousandths (.243) inch diameter or larger; and
  - (D) not be a rifle that has a barrel less than eighteen (18) inches or is designed or redesigned to be fired from the shoulder. The handgun cartridge case, without bullet, must be at least one and sixteen-hundredths (1.16) inches long. Full metal jacketed bullets are unlawful. All 25/20, 32/20, 30 carbine, and 38 special ammunition is prohibited.

(3) A muzzleloading long gun must be .44 caliber or larger, loaded with a bullet at least three hundred fifty-seven thousandths (.357) inch or larger. A muzzleloading handgun must be single shot, .50 caliber or larger, loaded with bullets at least .44 caliber and have a barrel at least twelve (12) inches long. The length of a muzzleloading handgun barrel is determined by measuring from the base of the breech plug, excluding tangs and other projections, to the end of the barrel, including the muzzle crown. A muzzleloading gun must be capable of being loaded only from the muzzle, including both powder and bullet.

(4) A rifle must fire a cartridge that meets the following specifications:

(A) Fire a bullet of three hundred fifty-seven thousandths (.357) of an inch diameter or larger.

(B) Have a minimum case length of one and sixteen-hundredths (1.16) inches.

(C) Have a maximum case length of one and six hundred twenty-five thousandths (~~1.625~~) **eight-tenths (1.8)** inches.

(5) Over-and-under combination rifle-shotguns are prohibited.

(e) During the muzzleloader season established in section 4(f) of this rule, an individual must hunt deer only with a:

(1) muzzleloading long gun as described in subsection (d)(3); **or**

(2) muzzleloading handgun as described in subsection (d)(3). **or**

(3) bow and arrows as described in subsection (b)(1) through (b)(7).

(f) During the urban deer season established in section 4(d) of this rule, an individual must hunt deer ~~only~~ with bows and arrows described in section 4(b)(1) through 4(b)(5) **3(b)** of this rule. ~~during the early archery season established in section 4(e)(1) of this rule. During the urban deer season established in section 4(d) of this rule, an individual must hunt deer only with bows and arrows, including crossbows, described in subsection (b)(1) through (b)(7) during the late archery season described in subsection (e)(2).~~

(g) An individual must not erect, place, or hunt from a permanent tree **or ground** blind on state owned lands. A tree **or ground** blind placed on:

(1) ~~state owned or state leased lands;~~

**(1) a DNR property as defined at 312 IAC 8-1-4(3);**

(2) U.S. Forest Service lands; or

(3) any national wildlife refuge;

must be portable and may be left overnight only between September 1 and January 10. A fastener used in conjunction with a tree blind and a tree or pole climber that penetrates a tree more than one-half (1/2) inch is prohibited. Each portable tree **or ground** blind must be legibly marked with the name, address, and telephone number of the owner of the tree blind **in the English language.**

(h) An individual must not use infrared sensors to locate or take deer. An individual must not hunt or retrieve deer with the aid of an infrared detector.

(i) An individual must not possess or use an electronic deer call while hunting deer. (*Natural Resources Commission; 312 IAC 9-3-3; filed May 12, 1997, 10:00 a.m.: 20 IR 2703; filed Nov 13, 1997, 12:09 p.m.: 21 IR 1272; filed Dec 26, 2001, 2:40 p.m.: 25 IR 1530; readopted filed Jul 28, 2003, 12:00 p.m.: 27 IR 286; filed Sep 23, 2004, 3:00 p.m.: 28 IR 538; filed Jun 23, 2006, 2:24 p.m.: 20060719-IR-312050214FRA; filed Jun 29, 2007, 2:30 p.m.: 20070725-IR-312060272FRA; filed Sep 6, 2007, 12:20 p.m.: 20071003-IR-312070023FRA; readopted filed Nov 24, 2008, 11:08 a.m.: 20081210-IR-312080672RFA; filed Nov 3, 2009, 3:34 p.m.: 20091202-IR-312090044FRA*)

SECTION 5. 312 IAC 9-3-4 IS AMENDED TO READ AS FOLLOWS:

### **312 IAC 9-3-4 Season dates and bag limits**

**Authority: IC 14-10-2-4; IC 14-22-2-6**

**Affected: IC 14-22**

Sec. 4. (a) An individual must not take more than one (1) deer with each deer license.

(b) The special youth deer season is two (2) consecutive days beginning on the Saturday immediately before October 1 or as approved annually by the director.

(1) The seasonal limit for hunting deer under this subsection is one (1) **antlered deer of either sex, and the number of antlerless deer established under subsection (g) for the county being hunted.**

(2) A youth hunter who takes an antlered deer under this subsection may not take another antlered deer during the:

- (A) archery seasons established in subsection (c);
- (B) firearm season established in subsection (e); or
- (C) muzzleloader season established in subsection (f).

(3) As used in this section, "youth" means an individual who is less than eighteen (18) years of age by the date of the hunt.

(4) A youth who hunts a deer under this subsection must be accompanied by an adult of at least eighteen (18) years of age who:

- (A) does not possess a firearm, bow and arrow, or crossbow while in the field;
- (B) possesses a valid hunting license of any type that is not an apprentice license;
- (C) must not accompany more than two (2) youth hunters at any one (1) time; and
- (D) must be in close proximity and able to communicate with the youth hunter at all times.

(c) The archery deer season is as follows:

(1) Early archery season is from October 1 through the closing day of firearms season as established in subsection (e).

(2) Late archery season from the first Saturday after the closing day of firearms season as established in subsection (e) through the first Sunday in January.

(3) An individual must take not more than two (2) deer of which only one (1) may be antlered under this subsection.

(4) After August 31, 2012, an individual must not take an antlered deer by means of a crossbow.

(d) The urban deer season is as follows:

(1) From September 15 through the closing day of firearms season as established in subsection (e), **January 31 of the following year in an urban deer zone.**

(2) During the late archery season as established in subsection (c)(2).

(2) **Under this subsection:**

(3) (A) An individual must take not more than four (4) deer of which only one (1) may be antlered, under this subsection.

(B) **At least one (1) antlerless deer must be taken in an urban deer zone prior to taking an antlered deer.**

(4) (3) A deer taken under this subsection does not count against a bag limit for deer set elsewhere in this rule.

(5) (4) The following areas have been designated as urban deer zones subject to the urban deer season:

(A) The Indianapolis urban deer zone includes the following:

- (i) All of Marion County.
- (ii) That portion of Hendricks County east of State Highway 267.
- (iii) The southeast portion of Boone County as bounded by the following:
  - (AA) State Highway 267.
  - (BB) Interstate Highway 65.
  - (CC) State Highway 32.
- (iv) That portion of Hamilton County south of State Highway 32.

(B) The Fort Wayne urban deer zone includes that portion of Allen County lying within the bounds of Interstate Highway 69 and State Highway 469.

(C) The Evansville urban deer zone includes all of Vanderburgh County.

(D) The Lafayette urban deer zone includes the portion of Tippecanoe County north of State Highway 28.

(E) The Gary Lake County urban deer zone includes that portion all of Lake County, north of U.S. Highway 30.

(F) The Crown Point urban deer zone includes that portion of Lake County within the corporate limits of Crown Point.

(G) (F) The Chesterton Porter County urban deer zone includes the portion all of Porter County, north of U.S. Highway 94.

(H) (G) The Michigan City urban deer zone includes that portion of LaPorte County north of U.S. Highway 94.

(I) (H) The Warsaw urban deer zone includes the portion of Kosciusko County within the corporate limits of the city of Warsaw.

(e) The firearms deer season is from the first Saturday after November 11 and continues for an additional fifteen (15) days. An individual must take not more than one (1) antlered deer under this subsection.

(f) The deer hunting season for only using a muzzleloading long gun or muzzleloading handgun is from the first Saturday

after the closing day of firearms season as established in subsection (e) and continues for an additional fifteen (15) days. An individual must not take more than one (1) deer of either sex under this subsection.

(g) The season and bag limit for hunting antlerless deer in a designated county, by authority of an extra deer bonus antlerless license, shall be established on an annual basis by a temporary rule authorized by the director.

**(h) The special antlerless deer season is from December 26 through the first Sunday in January of the following year in counties with an antlerless quota of four (4) or more deer. An individual may take only antlerless deer under this subsection and may take only the number established under subsection (g) for the county being hunted.** *(Natural Resources Commission; 312 IAC 9-3-4; filed May 12, 1997, 10:00 a.m.: 20 IR 2703; filed Nov 5, 1997, 3:25 p.m.: 21 IR 930; filed Dec 26, 2001, 2:40 p.m.: 25 IR 1530; readopted filed Jul 28, 2003, 12:00 p.m.: 27 IR 286; filed Sep 23, 2004, 3:00 p.m.: 28 IR 538; filed May 25, 2005, 10:15 a.m.: 28 IR 2945; filed Jun 29, 2007, 2:30 p.m.: 20070725-IR-312060272FRA; filed Jul 10, 2007, 2:09 p.m.: 20070808-IR-312060572FRA; filed Sep 6, 2007, 12:20 p.m.: 20071003-IR-312070023FRA; readopted filed Nov 24, 2008, 11:08 a.m.: 20081210-IR-312080672RFA; filed Nov 3, 2009, 3:34 p.m.: 20091202-IR-312090044FRA; filed Nov 12, 2009, 3:53 p.m.: 20091209-IR-312090060FRA)*

SECTION 6. 312 IAC 9-3-8 IS AMENDED TO READ AS FOLLOWS:

**312 IAC 9-3-8 Hunting deer on designated military reserves and national wildlife refuges with additional deer hunting licenses**

**Authority: IC 14-10-2-4; IC 14-22-2-6**

**Affected: IC 14-22-11-10; IC 14-22-12**

Sec. 8. (a) This section governs the activities of an individual who is hunting deer on military reserves and national wildlife refuges.

(b) If selected by drawing or invitation, an individual may hunt deer under this section on a military reserve or national wildlife refuge as follows:

(1) By firearms from ~~November~~ **October** 1 through December 31.

(2) By bow and arrows from October 1 through December 31.

The specific hunting dates and equipment will be determined annually by the department in conjunction with the management staff of the military reserve or national wildlife refuge.

(c) An individual must use equipment authorized under section 3 of this rule to take a deer under this section.

(d) An individual may take a deer on a military reserve or national wildlife refuge only if issued one (1) of the following licenses:

(1) A resident deer archery license under IC 14-22-11-10(a) or IC 14-22-12-1(a)(14).

(2) A nonresident deer archery license under IC 14-22-12-1(a)(17).

(3) A resident deer firearms license under IC 14-22-11-10(a) or IC 14-22-12-1(a)(12).

(4) A nonresident deer firearms license under IC 14-22-12-1(a)(15).

(5) A resident deer muzzleloader license under IC 14-22-11-10(a) or IC 14-22-12-1(a)(13).

(6) A nonresident deer muzzleloader license under IC 14-22-12-1(a)(16).

(7) A resident extra deer license under IC 14-22-12-1(a)(18).

(8) A nonresident extra deer license under IC 14-22-12-1(a)(19).

**(9) A resident youth consolidated hunting license under IC 14-22-11-10(b) or IC 14-22-12-1(a)(24).**

**(10) A nonresident youth deer firearms license under IC 14-22-12-1(a)(29).**

**(11) A nonresident youth deer muzzleloader license under IC 14-22-12-1(a)(30).**

**(12) A nonresident youth deer archery license under IC 14-22-12-1(a)(31).**

**(13) A nonresident youth extra deer license under IC 14-22-12-1(a)(32).**

~~(9) (14)~~ An apprentice license of the types identified in subdivisions (1) through ~~(8)~~ **(13)** under IC 14-22-12-1.7.

~~(10) (15)~~ A lifetime comprehensive hunting license under IC 14-22-12-7(a)(4).

~~(11) (16)~~ A lifetime comprehensive hunting and fishing license under IC 14-22-12-7(a)(5).

(e) An individual must comply with the season dates and bag limit for deer hunting as established in section 4 of this rule if using one (1) of the following licenses to hunt on a military reserve or national wildlife refuge:

- (1) A resident deer archery license under IC 14-22-11-10(a) or IC 14-22-12-1(a)(14).
- (2) A nonresident deer archery license under IC 14-22-12-1(a)(17).
- (3) A resident deer firearms license under IC 14-22-11-10(a) or IC 14-22-12-1(a)(12).
- (4) A nonresident deer firearms license under IC 14-22-12-1(a)(15).
- (5) A resident deer muzzleloader license under IC 14-22-11-10(a) or IC 14-22-12-1(a)(13).
- (6) A nonresident deer muzzleloader license under IC 14-22-12-1(a)(16).
- (7) A resident youth consolidated hunting license under IC 14-22-11-10(b) or IC 14-22-12-1(a)(24).**
- (8) A nonresident youth deer firearms license under IC 14-22-12-1(a)(29).**
- (9) A nonresident youth deer muzzleloader license under IC 14-22-12-1(a)(30).**
- (10) A nonresident youth deer archery license under IC 14-22-12-1(a)(31).**
- (11) A nonresident youth extra deer license under IC 14-22-12-1(a)(32).**
- ~~(7)~~ **(12)** An apprentice license of the types identified in subdivisions (1) through ~~(6)~~ **(11)** under IC 14-22-12-1.

(f) An individual may take one (1) deer of either sex for each extra deer military/refuge license on a military reserve or national wildlife refuge. An antlered deer taken under this section is exempted from the limitations placed on the taking of antlered deer set forth in section 2 of this rule.

(g) In addition to the other licenses authorized by this section, the division may issue an extra deer military/refuge license under this subsection. This extra deer military/refuge license authorizes the taking of a deer of either sex only from a military reserve or national wildlife refuge.

(h) An individual must comply with all of the provisions in section 2 of this rule with the exception of subsections (a), (b), and (e) through (j). *(Natural Resources Commission; 312 IAC 9-3-8; filed May 12, 1997, 10:00 a.m.: 20 IR 2705; filed Dec 26, 2001, 2:40 p.m.: 25 IR 1532; readopted filed Jul 28, 2003, 12:00 p.m.: 27 IR 286; readopted filed Nov 24, 2008, 11:08 a.m.: 20081210-IR-312080672RFA; filed Nov 3, 2009, 3:34 p.m.: 20091202-IR-312090044FRA)*